

## Opt Ed Piece

EXHIBIT 18  
DATE 3/27/2013  
BB 629

My service as a member of the Montana Reserve Water Right Compact Commission and an elected representative from Lake County was called into question by the Concerned Citizens of Western Montana. I would like to remind Ms. Backs and those she is fronting for that personal attacks and defamation of someone's characters are tactics of bullies and that is not the way business is done in Montana. We treat our neighbors with respect, even when we do not agree with them.

I have lived in the Mission Valley all of my life and have been elected to represent the people of House District #12 for two legislative sessions. I am a fourth generation farmer and irrigation is an essential element of our success. Water is our lifeline. I believe that I have working knowledge and a deep understanding of the economy of our valley and the importance of irrigation to the citizens of the Mission Valley.

There is no possibility of representing an issue of this magnitude in a manner that is acceptable to everyone. I feel that it is my responsibility and charge as an elected official to listen to all sides and then represent the majority and what is for the common good of all. While the voice of the opposition has been loud and very public, there are other voices to be heard. The voices of quiet reason have also been communicated to me, though not in such a public platform as those against, and they are strongly in favor of the Water Compact that has been negotiated.

The water rights issue has been a long and complicated process that I have fully immersed myself in. Yes, Ms. Backs, I am very familiar with the Compact, what is in it and also the process. Where we differ is in our interpretation of what is in this document as well as the facts it is based upon. In 2012 I participated in 45 meetings of the Montana Reserved Water Rights Compact Commission, 27 of which were in Lake County. I also attended seven Joint Board of Control meetings where I represented myself as an irrigator in the Flathead Indian Irrigation Project. Public comment has been a very important part of these meetings. I have listened to the questions, comments and answers. Your group was also at most of these meetings and asked the same questions but does not choose to listen to the answers that are based in fact. At no time have I dismissed the concerns of my constituents but a question can only be asked and answered so many times. The facts in this process have not changed.

In 1979 the Legislature established the Montana Reserved Water Rights Compact Commission to help integrate reserved water rights into the state adjudication process. I was appointed to this commission in the spring of 2011. To make the accusation that I have "presided over the taking of property rights" illustrates your misunderstanding of the entire process and what my role in the process is. The actual Water Use Agreement, which you are so vehemently opposed to, was negotiated by the Joint Board of Control with the Confederated Salish and Kootenai Tribes and the United States acting as a Trustee. I am not a part of that Board nor did I have a vote on the Agreement.

In my role as a member of the Water Rights Compact Commission, after attending numerous meetings and listening to public comment, I did say that I would not support the Compact until the concerns being voiced by local irrigators were met. All parties took the Water Usage Agreement back to negotiations where both sides courteously worked together and the give and take on all sides led to the creation of the current Water Use Agreement.

Last week I did vote "yes" to move the proposed Compact Agreement, with *contingent- voidness* language, forward to the 2013 legislature for ratification. This means the Compact is asking the legislature to make its approval of the Compact wholly contingent on the Water Use Agreement being accepted by the Joint Board of Control at such time as all the legal questions surrounding the Water Use Agreement are resolved. The negotiated Compact Agreement has in place a very significant "No Call" concession from the Tribes for their senior water rights all over western Montana. Instead of being able to make a call against any junior water users with domestic, stock, municipal, commercial, industrial, hydropower or other non-irrigation water rights (which the Tribes would otherwise be entitled to by virtue of the senior status of their water rights), the Tribes will instead have a block of water from the Flathead River, including 90,000 acre feet of water from Hungry Horse Reservoir, which they can utilize on the Reservation or lease only in-state. There are also significant protections in the Compact and in the Water Use Agreement for irrigators. The Tribe's senior rights will be quantified on every stream in Western Montana if this compact is not ratified, and if they are quantified through litigation none of these protections for junior users (which include every single state law-based water right) will be available.

At this time, the Montana Supreme Court has stayed a ruling by C.B. McNeil, regarding the Water Use Agreement. The Supreme Court will review and rule upon the questions of constitutionality. So much time has been used up defending against inaccurate accusations such as stated in Ms. Back's letter.

I am proud to have been a part of this process. By Legislative decree the adjudication process for water rights is going to happen. There is no going back to the way it has been. The members of the Confederated Salish and Kootenai Tribes have been gracious and willing to negotiate. We do all need to remember where we live and who we are sharing lands with. I am your public representative and have taken this task very seriously. I feel that if we can negotiate an agreement, with all sides having input, it is much more beneficial to those of us who live and farm here than the possible decades of litigation that the boisterous opposition and groups such as the Concerned Citizens of Western Montana are pushing towards. Litigation will turn friend against friend and neighbor against neighbor for several decades. In the end the lawyers stand to be the only winners.

I continue to be proud of my Montana and Mission Valley heritage, respectful of my neighbors and their individual opinions, and honored to represent the constituents of House District #12. As always, please contact me at 253-9724 or dansalomon12@gmail.com .

Respectfully yours,  
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